

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

DEWITT HUGHES, et al.,)	
)	
Plaintiffs,)	
)	08 C 627
v.)	
)	Judge Dow
CITY OF CHICAGO, et al.,)	
)	JURY TRIAL DEMANDED
Defendants.)	

JOINT INITIAL STATUS REPORT

Plaintiffs Dewitt Hughes and Charanzetta Stagger-Hughes, by and through their attorneys, Loevy & Loevy, and Defendant City of Chicago, by its attorney, Mara S. Georges, Corporation Counsel for the City of Chicago, pursuant to this Court's case management procedures, jointly submit the following initial status report:

A. ATTORNEYS OF RECORD:

1. FOR PLAINTIFF	2. FOR DEFENDANT CITY OF CHICAGO
Arthur Loevy	Thomas J. Aumann
Jon Loevy	Kenneth C. Robling
Matthew Jenkins	30 North LaSalle Street
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B. BASIS FOR FEDERAL JURISDICTION

This is an action arising under the laws of the United States with supplemental state law claims. Jurisdiction is proper under 42 U.S.C. § 1983, 28 U.S.C. §§ 1331 and 1343 for Plaintiffs' federal claims and under 28 U.S.C. § 1367 for

Plaintiffs' state claims.

C. NATURE OF CLAIMS AND ANY COUNTERCLAIMS

Plaintiffs assert civil rights claims under 42 U.S.C. § 1983 and state law claims against the Defendant Officers alleging unreasonable search and seizure, false arrest, unlawful detention, false imprisonment, and malicious prosecution. Plaintiffs also bring a claim under 42 U.S.C. § 1983 against Defendant City of Chicago for its alleged policies, practices and customs of failing to adequately train, discipline and control its police officers, and under state law for *respondeat superior* and indemnification.

D. PRINCIPAL LEGAL AND FACTUAL ISSUES

The principal legal and factual issues are:

- (1) Did Defendant Officers have cause to stop Plaintiffs' vehicle;
- (2) Did Defendant Officers unlawfully search Plaintiffs' vehicle;
- (3) Did Defendant Officers subject Plaintiff Dewitt Hughes to a false arrest, unlawful search and seizure, false imprisonment, and malicious prosecution;
- (4) Did Defendant Officers act maliciously, wantonly, or oppressively in allegedly violating Plaintiffs' rights;
- (5) Whether Defendant City has a policy or widespread practice of failing to adequately train, discipline and

control officers;

(6) Whether Plaintiffs were damaged by the alleged actions of the Defendant Officers and the alleged policies or practices of the City and whether Plaintiffs mitigated any such damages;

(7) Whether the Defendant Officers were acting within the scope of their employment at the time of their alleged encounters with Plaintiffs; and

(8) Whether Defendant City of Chicago is liable for any alleged misconduct of Defendant Officers under Monell v. Dept. of Social Services of City of New York, 436 U.S. 658 (1978).

E. DISCOVERY PLAN

Plaintiffs and Defendant City have agreed to exchange their FRCP 26(a)(1) disclosures by April 30, 2008. The parties propose to submit a discovery plan once the attorneys for the Defendant Officers appear in this matter.

F. TRIAL STATUS

The parties do not feel that a trial schedule is ascertainable at this time.

G. CONSENT TO MAGISTRATE

The parties do not unanimously consent to trial before a magistrate judge.

H. SETTLEMENT

The parties believe it is premature to discuss settlement at this time. However, settlement may be revisited in this case after discovery is conducted.

I. JURY TRIAL EXPECTED

Plaintiffs and Defendant City have requested a trial by jury.

Date: April 1, 2008

Respectfully Submitted,

RESPECTFULLY SUBMITTED,

/s/ Matthew Jenkins
Attorneys for Plaintiff

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